

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO.4101 OF 2025
IN
CRIMINAL APPEAL NO.1081 OF 2025

Akash Vidyadhar Davare Appellant

V/s.

The State Of Maharashtra & Anr. Respondents

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Ms.Murtaza Najmi a/w Farida Najmi, Ms.Archana Gaikwad,
Ms.Nancy Kanungo, Mr.Eramnisha Shaikh i/b Mr.Jay Kholiya,
for the Appellant.

Mr.H.J. Dedhia, APP, for Respondent No.1-State.

Mr.M.R. Gavli, PSI, Deonar Police Station.

CORAM : R.M. JOSHI, J.

DATE : 11th DECEMBER 2025

P.C:-

. At the outset, the learned counsel for the Appellant has drawn attention of the Court to the fact that the amount of the fine is deposited in this Court on 5th December 2025. In view of this, the interest of the Informant to the extent of compensation is protected. Informant therefore need not be required to be heard at this stage.

2. This Application is for suspension of substantive

sentence and enlargement of the Appellant on bail in connection with the judgment and order dated 22nd September 2025 passed in Sessions Case No.874 of 2021, whereby the Appellant along with co-accused are convicted for the offence punishable under Section 307 of the Indian Penal Code ('IPC' for short).

3. The learned counsel for the Appellant submits that co-accused has been enlarged on bail in IA No.4041 of 2025 in Criminal Appeal No.1068 of 2025. On merit, it is submitted that, there are inconsistencies in the statement of the Informant with regard to the involvement of the assailant in the assault so also the injuries caused by them. He drew attention of the Court to the evidence of Medical Officer who admits that the injuries caused to the injured are not fatal. It is thus his submission that, the Appellant has fair/reasonable chance of success in the Appeal taking exception to the conviction recorded under Section 307 of IPC.

5. The learned APP opposed the Application. It is his submission that evidence of the Informant/Injured is supported

by the medical evidence and as such having regard to the nature of injuries caused to him the offence of Section 307 can be said to have been proved by the prosecution.

6. At this stage Court is required to consider as to whether the Appellant has fair/reasonable chance of success in the Appeal. The contention of the learned counsel for the Appellant with regard to the admission given by the Medical Officer about the injuries not being fetal cannot be brushed aside lightly. Out of 8 years of imprisonment the Appellant has already undergone period of 4 and ½ years. Having regard to these facts and also in view of that fact that the Appeal is not likely to be heard in short period of time, this is fit case for suspension of sentence and enlargement of the Appellant on bail.

7. In view of the same, following order.

ORDER

- (i) The Application is allowed.
- (ii) The substantive sentence imposed against the Appellant by impugned judgment and order 22nd

September 2025 passed in Sessions Case No.874 of 2021 stands suspended till the decision of the Appeal.

(iii) The Appellant be enlarged on bail on furnishing PR Bond of Rs.15,000/- with one surety in the like amount to the satisfaction of the Trial Court.

(iv) The Interim Application stands disposed of.

8. It is clarified that above observations are made on *prima facie* consideration of the material on record and the same shall not bind the parties during the final hearing of the Appeal.

(R.M. JOSHI, J.)